

Richmond Planning Commission Meeting of April 19, 2023

Members present: Lisa Miller, Mark Fausel, Chris Granda, Chris Cole, Virginia Clarke

Members absent: Alison Anand, Joy Reap, Dan Mullen, (one vacancy)

Others present: Keith Osborne (Richmond Director of Planning and Zoning), Erin Wagg (MMCTV), Gary Bressor, Jim Oliver, Donna Saks, Marianne Barnes, Christy Witters, John Rankin

1. Welcome

Clarke welcomed commissioners and guests and opened the meeting when a quorum was reached at approximately 7:05 PM.

2 and 3. Agenda; non-agenda comment

Clarke adjusted the agenda to add an item reviewing the Selectboard's (SB) hearing of the previous night concerning the package of Planning Commission (PC) amendments relating to the Village R/C and the Gateway R/C districts. Then Osborne added a second adjustment, that being a recommendation by the PC to the SB to appoint him as the Assistant Zoning Administrator. There were no objections to these adjustments, no further adjustments suggested, and no public comment on non-agenda items.

4. Minutes of 4/5/23 PC meeting

The PC reviewed the minutes of the 4/5/23 meeting, and there were no corrections or additions, so they were accepted into the record as written.

5. Keith Osborne appointments

A motion was made by Miller and seconded by Cole to recommend Keith Osborne to the SB as the Assistant Zoning Administrator. There was no discussion of the motion, and the commission voted 5 to 0 in favor. If the appointment is confirmed by the SB, Osborne will fill in for Zoning Administrator (ZA), Tyler Machia, when necessary. Osborne then confirmed that he has already been appointed by the SB as staff representative to the Chittenden County Regional Planning Commission (CCRPC) and to their Planning Advisory (PAC) and Clean Water Advisory (CWAC) Committees. Clarke and Osborne agreed to write up the recommendation and submit it to Josh Arneson for SB review.

6. SB public hearing of April 18th on R/C districts

Clarke opened the floor for discussion of the SB's public hearing that took place April 18th on the amendment packet the PC had approved in February 2023. She mentioned that Granda and Miller (who is now on the SB in addition to the PC) were also present along with a few people in the Library Meeting Room and a couple of dozen guests in the Zoom room. Granda thanked Clarke for her presentation. Miller felt that she had not heard significant opposition to what we have proposed, and that the majority of the discussion was about extending the Village R/C district up the Jericho Rd from the ski shop to the schools. This discussion was initiated by thoughtful comments from Amy Lord and Karl Goetze, who live in this area. These residents were concerned about the traffic that businesses might create which might endanger pedestrians, especially children, walking along the new sidewalk.

Clarke reminded the commission that we had gone back and forth about extending the R/C district part-way or all the way up the Jericho Rd, with the dilemma being that there is very little space for businesses to locate in the downtown village area, and that we had settled on this area as a useful business-friendly location. Clarke asked if the PC wanted to communicate further with the SB on this issue. Miller offered the idea that for any residential-to-commercial conversion to be approved on this road, there would have to be room for a turn-around on the property so that there would be no backing-out of vehicles into the traffic. She said it would be good to look at the actual properties to see how many this might involve.

Fausel felt there were still good reasons for including this area in the R/C district. Miller suggested that the PC might want to make a list of the pros and cons we had considered in our deliberations and give that to the SB. Guest Donna Saks commented that she was opposed to any changes being made to the current situation on the Jericho road, as she felt that would detract from walking on the existing sidewalk. Clarke offered that she and Osborne could work on a list of pros and cons for the SB. Clarke also briefly reported on a letter that Dave Healy had submitted to the SB complaining that the PC was moving “too aggressively” to increase density in the village. Granda suggested that the density issue might become moot if S. 100 is passed by the legislature. Clarke reported that our state rep, Jana Brown, had agreed to come to our next PC meeting on May 3rd to discuss S. 100. Cole reflected that this commission seems to have been working in the right direction for the last two years, as these are the same kind of changes that the legislature is now mandating to help resolve the housing crisis. Clarke pointed out that the Housing Committee’s grant-funded consultant had brought these points forward in her thorough report from 2021-2022.

7. Village Residential Neighborhoods – selected topics

a. Q: if you have two principal residential structures on a lot, are you required to allow an ADU for each one (as required by 24 VSA 4412) even if the density of the district would then be exceeded? A: Osborne and Clarke communicated with the town attorney and Osborne reported that it seems like it would not be required, but that we need additional clarity on this point. Clarke and Osborne will continue to discuss this issue with David Rugh, our town attorney. An additional question on the “two structures” topic is whether we should require the applicant to have the legal language required by (ii) of the multiple structures section reviewed by an attorney at their own expense, as the ZA or DRB might not feel they have enough expertise in this area to approve the legal arrangements. Osborne suggested that this could also be rolled into permitting fees. Clarke suggested that these issues should also be clarified in the R/C districts that are before the SB at the moment.

Christy Witters asked why we are proposing allowing two principal residential structures on a lot anyway. Clarke answered that it provides flexibility for development if an owner does not wish to subdivide. An ADU is also a second residential structure, but it has numerous conditions attached, such as owner must live there; the unit must be small and clearly secondary. Two structures would allow for a “duplex” without requiring that the two units be joined together, or would allow for an ADU without all the limitations. Witters suggested that it might be preferable to have a more standard regulation that required a Planned Unit Development (PUD) for this type of two-structure arrangement, and that there might be unknown implications in doing it this way.

Gary Bressor concurred with Witter that more of a PUD process that is reviewed by the DRB might be preferable. He provided an example of where the two structures would be useful – the Kilpeck house on the corner of Thompson Rd and Huntington Rd which has a deep lot and could put a second house in the rear part of the lot. Osborne reminded the commission that the intent was to make the creation of more

housing easier, and that the PUD process typically involved subdivision and open space preservation thus more complicated. Clarke mentioned that we have used the PUD process for urban situations and that the town attorney didn't seem too concerned with a lot of legal uncertainty in the newly-proposed arrangement. She also wondered if just making it a conditional use might work; this would entail review by the DRB to a lesser extent than the PUD process, and leave the traditional ADU as a permitted use. Witters, Osborne and Clarke discussed whether you could change ADU size (allow it to be bigger as in Charlotte) but could you alter the other fundamental components of the ADU definition in state statute (such as the owner occupancy). Clarke said that she and Osborne would work on this and bring some thoughts to the next meeting.

b. Q: is 75' frontage suitable for 10,000sf lots? Clarke said she had seen frontages of 50' and 60' in other ordinances for small lots. And another dimensional question is whether we are ok with the traditional language of "somewhere on the lot you must be able to inscribe a circle with a 35' (or 25') radius." Commissioners questioned if the radius number was 25 or 35 feet – Clarke found both numbers in different districts in the current Richmond Zoning Regulation (RZR), and 50' for the A/R district. On the frontage question, Clarke suggested that we might look at the frontages that exist in the neighborhoods, and match that. Discussion ensued about the fact that you didn't need any frontage as long as you had an easement to the road. Clarke suggested modelling the radius requirement. Miller suggested that whatever we have in the regulation might be the safest way to go, with no big changes.

c. Q: For traffic impact – do we need a study as is required in the Jolina Ct (JC) district or do we want to have a flat-out prohibition as is in our current RZR for several districts? Cole offered that the number of trip ends referenced in the JC district – 70 trip ends in the PM peak hour – is more than would ever be attained in these VRN districts, and felt that applying traffic studies to this kind of village development was not useful, but more in the purview of Act 250 for larger developments. Miller concurred. Bressor said he couldn't think of any areas in these two residential districts where the traffic needed to be counted at all. Cole agreed, saying that he couldn't imagine an intersection, with the possible exception of Jolina Court/Bridge St, being pushed into a grade low enough to require mitigation. Miller also concurred with Bressor and Cole. Clarke agreed that we should try taking this language out entirely in our next drafts.

d. Q: Is there any update on S. 100? Witter wanted to discuss the bill in relation to her neighborhood. She said that, by her math, there were only 3 properties in her neighborhood (Baker/Tilden) that are big enough to have even 3 dwelling units; that half of the buildings are duplexes; that the lots are small; that the residential density is already high, and that her existing neighborhood is what the legislature is trying to create. She felt that S. 100 shouldn't be a problem at least in her neighborhood, because it is already dense. She was not in favor of the current language in the draft that would allow a density of one dwelling unit per 5,000sf (approximately 8 U per acre) for her neighborhood, but felt that the 5U per acre referenced in S. 100 was dense enough. She was ok with the greater density in the R/C districts.

Clarke mentioned the proposed additional height allowance in S. 100, but as that only applies to mixed use or affordable housing (at least in the current draft) it might not apply to the neighborhoods, which are mostly single-families, duplexes or small multifamilies. The discussion briefly turned to the possible use of the Browns Ct Ball Field for affordable housing, and Clarke said a discussion between the Housing Committee and the Recreation Committee would be needed on this topic, as they had different goals for the lot. John Rankin said that he thought that the change towards greater density would become more widely accepted if it became statewide through state legislation.

e. The floor was then open for other concerns about the Village Neighborhoods proposed amendments. Bressor wants to make sure that the zoning language continues to allow for concerts, weddings, and other indoor and outdoor events at the Round Church. He also wondered about allowing Bed and Breakfast as a use in the south neighborhood (VRNS). His third question was why wasn't agriculture listed as an allowed use in the VRNS, as he had a 9A field that was mostly in the floodplain and suitable only for agriculture. Clarke and Osborne responded that agriculture can't be regulated by zoning, as it is exempted by state statute, so it doesn't necessarily need to be listed as a permitted use. You do need to tell the municipality if you intend to put up an agricultural structure. Clarke said that we could make that more clear if needed. On the question of Bed and Breakfasts being an allowed use, Miller thought it might be reasonable, but Fausel remembered that in our previous outreach to the VRNS neighbors, they weren't big on B&B's. Clarke felt we should look at the B&B definition in our RZR and see how it worked with what we may want to do with short-term rentals.

Miller suggested that the CCRPC map be corrected to reflect that the districts were called the VRNS and the VRNN to be consistent. Clarke mentioned that she had had Melanie Needle at CCRPC correct the current draft map to show both sides of Church ST in the VRNN and the south side of Railroad St in the Village R/C.

8. Short-term rentals (STR)

Clarke suggested that we might want to write down our goals for STR's – do we need regulations? Do we have a problem? Are we doing it to be proactive and prevent a problem? Rankin concurred that we should list the pros and cons before acting, mentioning that we no longer seem to have other commercial lodging, but that STR also provides income and helps attract people to Richmond while on the other hand, removes housing stock and creates "party houses." Discussion ensued about the difference between residents renting out rooms and whole houses being investment STR's, of which 3 had been advertised in Richmond recently, according to Rankin. Fausel thought quantifying the existing STR's would be useful, if this were feasible given the different platforms. Clarke offered that some towns, such as Ludlow, VT, are taking this approach, of just registering STR's without regulating as yet.

Witters said she would try to get the contact information of an STR promotion/support group in Burlington that might be able to help with this. Miller thought different seasons might attract different numbers of STR's. Fausel said you'd have to compare numbers by putting in different dates. After a mention of VRBO, Cole said that VRBO was different from Airb&b in that it only advertised whole houses as vacation destinations. Cole added that he didn't have a problem either with on-premises residents renting out a room for a short stay, or with longer-term leasing, and that he didn't want people stifled in terms of additional income, but at the same time, didn't want the town turned into a short-term rental haven.

Clarke said that 7-30 days was the usual rental period allowed for STR's. Cole said he was ok with a seasonal rental of, say, 5 months, but not different people renting weekly. Clarke said that she and Osborne would work up a list of goals that we want to work towards as regards STR's. Miller concurred. Witters provided the information for the lobbyist group she mentioned: Vermont Short Term Rental Alliance (VTSTRA) with an address of PO Box 282 in Richmond! Listed phone number is 802 829 4024. Clarke also said that there were a couple of STR-related bills in the legislature that she would try to follow to see if they were going anywhere, and would try to contact VTSTRA.

Cole added that STR's impact the community in a variety of ways, and that STR's take up housing that might otherwise be available for employees who work in Richmond. Clarke added that if we are trying to allow for more housing through greater density, it doesn't make sense to reduce housing by allowing STR's. Fausel added that the STR's also may not be properly equipped with safety procedures as hotels are. Clarke added that there are some STR standards – fire, safety, room and meals taxes – set by the state, but not much enforcement. Clarke summarized this topic by saying she and Osborne would work on a list of goals and a proposed way forward.

9, 10 and 11. Coordinating Subcommittee, other business and adjournment

Clarke proposed tabling this discussion about the Coordinating Subcommittee until our next meeting after briefly summarizing its function. Miller said she had found serving on this subcommittee really valuable and had learned a lot by going to meetings of other town committees. She thought it important to know what else was happening in the town. She gave a shout-out to John Rankin and the other members of the Parking Advisory Committee who had been working really hard on issues such as the Dugway Road traffic problem. She supports the idea of keeping this subcommittee going.

Fausel then suggested that we also get Jana Brown to talk about whatever might be going on in the legislature in regard to STR's when she comes on May 3rd to talk about S. 100. Clarke agreed and said she would ask her, and invited others to submit further topics of interest as well.

At 9:59 PM Granda made a motion to adjourn and everyone seconded the motion! As there was no objection, the motion carried. The next PC meeting will be on May 3rd. Clarke thanked everyone for their participation.

Minutes submitted by Virginia Clarke